IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 23940 of 2002

Between:

1. Choudary Devendrappa, S/o.Doddappa,

Aged 50 years, Occ:Agriculturist,

R/o.Mugumangondi Village,

Holaganda Mandal, Kurnool District.

2 A.Mallikarjuna, S/o.Chinna Basappa,

aged 28 years, Occ:Agriculturist,

R/o.Mugumangondi Village,

..... PETITIONER(S)

AND

1. The District Collector and District Magistrate,

Kurnool, Kurnool District.

2 The Revenue Divisional Officer, Adoni,

Kurnool District.

3 The Mandal Revenue Officer,

Holagonda Mandal, Kurnool District.

4 The Mandal Revenue Inspector-I,

Holagonda Mandal, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings of the 3rd respondent herein in his Rc.A./32/2002 dated 16.11.2002 as illegal, arbitrary without jurisdiction and in gross violation of principles of natural justice and provisions of B.S.O.56 (1) and consequently direct the respondents herein not to dispossess the petitioners from their lands in Sy.no.21 measuring Ac.10.50 cents situated in Mugumangondi Village of Holaganda Mandal, Kurnool District.

Counsel for the Petitioners:MR.K.V.CHALAPATHI RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

-

-

This writ petition has been filed by the petitioners who are three in number with a prayer to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings of the Mandal Revenue Officer, Holaganda Mandal, Kurnool District,

3rd respondent, in Rc.A./32/2002 dated 16.11.2002 as illegal, arbitrary, without jurisdiction and in gross violation of principles of natural justice and provisions of A.P. Board of Revenue Standing Orders 56 (1) (for short 'B.S.O').

The first petitioner has given his sworn affidavit in support of the writ petition. It is averred in the writ petition that an extent of Ac.5.25 cents in Sy.No.21 of Mugumangondi Village is the ancestral property of the writ petitioners and another extent of Ac.5.25 cents in the same survey number has been purchased from Siddi Lingappa @ Subbanna of Mugumangondi Village, thereby the petitioners have been in possession and enjoyment of Ac.10.50 cents in Sy.No.21. While so, the Mandal Revenue Officer-3rd respondent without issuing any notice to the writ petitioners resumed the land to the Government under B.S.O. 56 (1). Hence this writ petition assailing the order of the Mandal Revenue Officer.

The respondents filed counter affidavit. One Sri S.Subramanyam has sworn to the counter affidavit. It is stated in the counter affidavit that the land is registered as

'Reddi Bavi Marammath' as per revenue accounts. The petitioners have no valid documents to prove their title over the land as the land is a Government land as per the revenue records. It is further averred in the counter affidavit that the District Collector, Kurnool, issued authorization under B.S.O.56 (1) to the Mandal Revenue Officer, Holaganda, to resume the land to the Government and proceedings have also been initiated under Section 145 Cr.P.C. in respect of the land in dispute.

Heard the learned counsel for the petitioners and the learned Government Pleader appearing for the respondents 1 to 4.

Learned counsel for the petitioners submits that the petitioners have been in possession and enjoyment of Ac.10.50 cents in Sy.No.21 of Mugumangundi Village of Holaganda Mandal and it is their ancestral property. He further submits that resumption of land to the Government without serving notice on the petitioners is opposed to the principles of natural justice.

Whereas it is submitted by the learned counsel appearing for respondents that the petitioners have already been dispossessed and some proceedings have been taken under Section 145 Cr.P.C. and therefore, the petitioners are not entitled to claim any relief.

The challenge in the writ petition is to the order dated 16.11.2002 passed by the Mandal Revenue Officer, Holaganda. Under the impugned order land in possession of the petitioners have been ordered to be resumed to the Government. Admittedly, no notice has been issued to the writ petitioners before ordering resumption of the land to the Government. Such is the case, I am in no doubt to conclude that the order of resumption is opposed to the principles of natural justice. Thus, the impugned order is not legal and proper and is liable to be set aside. The Mandal Revenue Officer is at liberty to initiate proceedings for resumption of land after issuing notice to the petitioners and after giving due opportunity to them to represent their case.

The writ petition is accordingly allowed. There shall be no order as to costs.

08.07.2005

TS

To

1. The District Collector and District Magistrate,

Kurnool, Kurnool District.

2 The Revenue Divisional Officer, Adoni,

Kurnool District.

3 The Mandal Revenue Officer,

Holagonda Mandal, Kurnool District.

4 The Mandal Revenue Inspector-I,

Holagonda Mandal, Kurnool District.

5 2 CCS Government Pleader for Revenue, High Court Buildings,
High Court of A.P., Hyderabad.

6 2 CD copies.